

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

EVERILDO GARCIA §
VS. § CIVIL ACTION NO. 1:08-CV-607
FEDERAL BUREAU OF PRISONS, ET AL §

MEMORANDUM ORDER ADOPTING THE MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATION

Plaintiff, Everildo Garcia, a prisoner confined within the Bureau of Prisons, proceeding *pro se*, filed this civil rights lawsuit pursuant to *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388, 91 S.Ct. 1999, 29 L.Ed.2d 619 (1971) and 42 U.S.C. § 1983 against the following defendants: The Federal Bureau of Prisons, the University of Texas Medical Branch, Warden John B. Fox, FCC Beaumont medical employees Pizzaro and Dr. Elena Estefan, Dr. Kevin Miller and Dr. Carlos Galvan of UTMB Galveston, medical dispensary Jane Doe and numerous other unnamed defendants.

The court referred this matter to the Honorable Earl S. Hines, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge recommends this lawsuit be dismissed for failure to state a claim upon which relief may be granted and as frivolous.

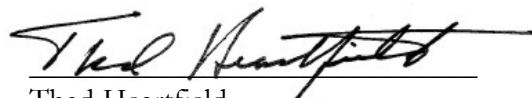
The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such order, along with the record, and pleadings. No objections to the Report and Recommendation of United States Magistrate Judge were filed by the parties.

ORDER

Accordingly, the findings of fact and conclusions of law of the magistrate judge are correct and the report of the magistrate judge is **ADOPTED**. A final judgment will be entered in

this case in accordance with the magistrate judge's recommendations.

SIGNED this the 7 day of **December, 2010**.



Thad Heartfield
United States District Judge